IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WA.No. 804 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.6967/2007 Dated 13/03/2007
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APPELLANT: PETITIONER

DR. BIJU S.,
LECTURER IN ORTHOPAEDICS, MEDICAL COLLEGE,
TRIVANDRUM-695 011.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REP. BY
ITS CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

3. THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, SHANTHI NAGAR,
HOUSING BOARD BUILDINGS, VTH FLOOR,
THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A.NO.804 OF 2007
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Dated this the 27th day of March, 2007

J U D G M E N T

P.R.Raman, J.

Appellant is the petitioner in WP(C) No.6967/2007. He filed writ petition seeking for a writ of mandamus directing the respondents to give admission to him in P.G. Degree M.S (Orthopaedics) in the event of petitioner scoring more than 40% marks in the entrance examination.

2. According to the petitioner, he being a member belonging to the Scheduled Tribe community, the minimum marks prescribed is only 40% and he has secured 41%. But, however the petitioner was not considered for admission to the P.G degree because he did not show in his application that he belonged to the Scheduled Tribe requiring only 40% marks. Though according to the petitioner, a certificate from Tahsildar evidencing his Caste status need not be enclosed along with the application, so, however, in the application he did not even show that he belonged to Scheduled Tribe so that he need only secure 40% marks. In such circumstances, there is no occasion for the

authorities to consider his application as a Scheduled Caste/Scheduled Tribe. The learned Single Judge in such circumstances, found that a writ of mandamus as such cannot be issued especially when petitioner has no case that he has shown his caste status in the application.

3. We do not find any reason to interfere with the judgment, in so far as the judgment proceeds appreciating the factual aspects of the matter. When a candidate who secured only 41% marks and admittedly 40% marks is the minimum prescribed for Scheduled Tribe/Scheduled Caste candidates alone, it is for the applicant to show in his application that his application is to be considered having secured the minimum marks required, being a Scheduled Caste. When he himself has failed to show his caste status in the application, a writ of mandamus could not be issued since the authorities cannot be said to have failed in discharging their duties.

We find no merit in the appeal. Dismissed.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp